

No. PD-0181-17

IN THE COURT OF CRIMINAL APPEALS

FILED
COURT OF CRIMINAL APPEALS
8/7/2017
DEANA WILLIAMSON, CLERK

JUAN ANTONIO GONZALEZ

APPELLANT

V.

THE STATE OF TEXAS

APPELLEE

APPELLANT'S MOTION TO SET BOND

TO THE HONORABLE COURT OF CRIMINAL APPEALS:

I.

Appellant is currently confined to the McConnell Unit of the Texas Department of Criminal Justice. He is serving a 50-year sentence for a murder conviction out of the 346th District Court of El Paso, Texas.

II.

The Eight Court of Appeals reversed Appellant's conviction on January 25, 2017. A judgment was entered that same date, remanding the cause for a new trial. The State filed a petition for discretionary review on February 24, 2017. Both parties have filed briefs. This Honorable Court has not made a decision to date. The appellate process continues.

III.

Under Section 44.04(h) of the Texas Code of Criminal Procedure, upon reversal of his conviction, Appellant is entitled to reasonable bail pending final determination on a petition for discretionary review. His conviction was reversed by the Eighth Court on January 25, 2017. Since the State filed petition for discretionary review, this Honorable Court shall determine the amount of Appellant's bail. Appellant is entitled to bail regardless of the length of his term of imprisonment. Tex. Code Crim. Proc. 44.04(h).

IV.

Appellant is a United States citizen. Other than this case, Appellant does not have any criminal convictions. Upon release on bail, Appellant will reside in El Paso County, Texas with his father or in San Antonio, Texas with his aunt Carmen Drury.

V.

Appellant will suffer prejudice from his continued confinement while he is awaiting the disposition of his appeal.

PRAYER

Appellant prays the Court grant this motion and set reasonable bail for Appellant.

Respectfully submitted,

/s/ Ruben P. Morales
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CERTIFICATE OF SERVICE

I certify that a copy of Appellant's Motion to Set Bond was sent by email, through an electronic-filing-service provider to appellee's attorney: Raquel Lopez, raqlopez@epcounty.com and the State Prosecuting Attorney, information@SPA.texas.gov.

/s/ Ruben P. Morales
Ruben P. Morales